Remarks

I. Office Action Summary

In the Office Action of December 9, 2008, the Office (1) rejected Claims 1-23 under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter; (2) rejected Claims 1-12 and 15-23 under 35 U.S.C. §103(a) as being unpatentable over Galant (U.S. Publication No. 2003/0182220 in view of Mintz (U.S. Patent No. 6,305,007); and (3) rejected Claims 13-14 under 35 U.S.C. §103(a) as being unpatentable over Galant, in view of Mintz, and further in view of Levy (U.S. Patent No. 5,673,028). Applicants respectfully traverse these rejections for at least the reasons stated below.

II. Status of Claims

Claims 1-23 are pending, of which Claims 1 and 18 are independent. Claims 1, 3-4, and 18 are amended to further clarify the claimed invention. No new matter is added.

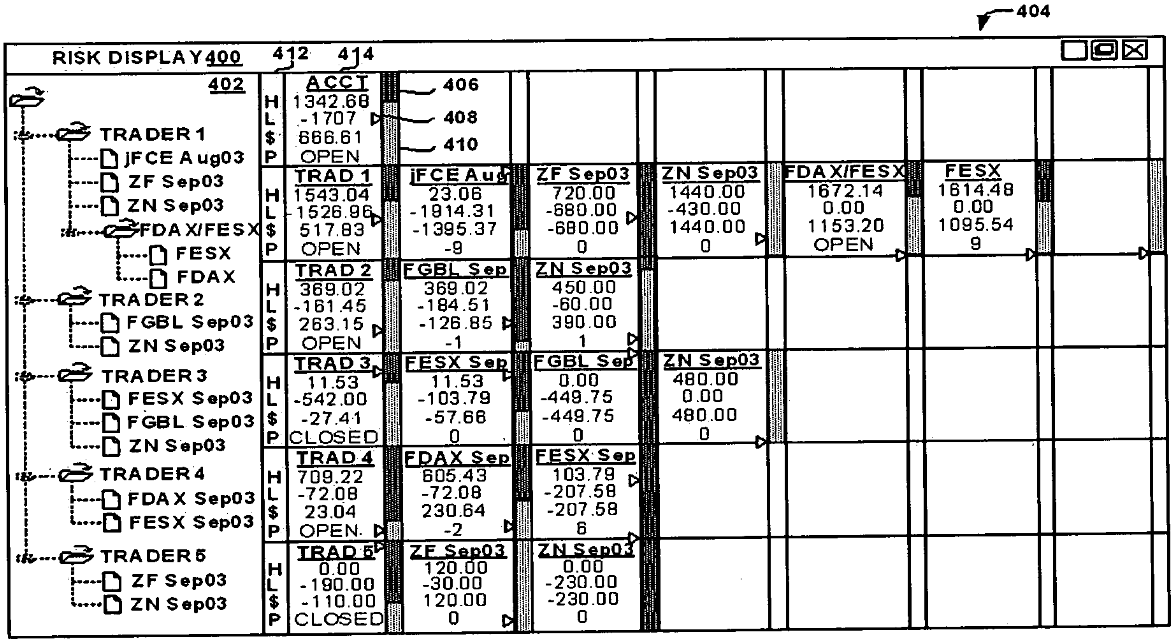
III. Related Applications

Applicants remind the Office that the present application is an original application of a commonly assigned continuation application, U.S. Application No. 11/417,532, for which an appeal brief was filed on July 14, 2008. For the purpose of the present application, Applicants hereby rescind any disclaimer of claim scope that may have been (or may be) made during the prosecution of any related applications. Applicants respectfully request that each claim in the present application can be examined according to the language of the claim and the prior art as set forth in MPEP and not importing statements made by Applicants in the prosecution of any related applications.

IV. Summary of the Claimed Subject Matter

Applicants' claimed invention relates to a method and a system for displaying and controlling risk related information, while permitting a user to easily distinguish and control the displayed data. (See, e.g., the specification's "Field of Invention").

As an example of a claimed embodiment, Applicants turn to Figure 4 in the application (also shown below for convenience), and the corresponding text starting at page 21 of the specification. Claim 1 includes "creating a display interface comprising a nodal display and at least one display grid, wherein the nodal display comprises a plurality of data nodes associated with trader-related risk information being automatically updated based on fill information being received from at least one electronic exchange." Similarly, Figure 4 shows at 402 displaying a "nodal display" which comprises a "plurality of data nodes" that corresponds to traders and various products being traded by the traders. Claim 1 also includes "at least one display grid" shown in Figure 4 at 404.



H L $ P	ACCT 1342.68 -1707 666.61 OPEN					
H L $ P	TRAD 1 1543.04 -1526.96 517.83 OPEN	jFCE Aug 23.06 -1914.31 -1395.37 -9	ZF Sep03 720.00 -680.00 -680.00 0	ZN Sep03 1440.00 -430.00 1440.00 0	FDAX/FESX 1672.14 0.00 1153.20 OPEN	FESX 1614.48 0.00 1095.54 9
H L $ P	TRAD 2 369.02 -161.45 263.15 OPEN	FGBL Sep 369.02 -184.51 -126.85 -1	ZN Sep03 450.00 -60.00 390.00 1			
H L $ P	TRAD 3 11.53 -542.00 -27.41 CLOSED	FESX Sep 11.53 -103.79 -57.66 0	FGBL Sep 0.00 -449.75 -449.75 0	ZN Sep03 480.00 0.00 480.00 0		
H L $ P	TRAD 4 709.22 -72.08 23.04 OPEN.	FDAX Sep 605.43 -72.08 230.64 -2	FESX Sep 103.79 -207.58 -207.58 6			
H L $ P	TRAD 5 0.00 -190.00 -110.00 CLOSED	ZF Sep03 120.00 -30.00 120.00 0	ZN Sep03 0.00 -230.00 -230.00 0			

FIG. 4

Amended Claim 1 also recites "selecting data nodes in the nodal display to be mapped to the at least one display grid," and "displaying trader-related risk information associated with the selected data nodes on the at least one display grid ... according to the arrangement of the data nodes in the nodal display." According to the nodal display 402 in Figure 4, the data node "Trader 1" has certain nodes associated with it (e.g., the names of tradeable object in this case): jFCE Aug03, ZF Sep 03, ZN Sep 03, and so on. The display grid has region for "Trader 1" and each of the nodes.

Claim 1 also provides "receiving a user input that selects a first data node from a first location in the nodal display and moves the first data node to a second location in the nodal display," and "responsive to said user input, updating the at least one display grid so that the trader-related risk information is displayed on the at least one display grid according to the new arrangement of data nodes in the nodal display." For example, "Trader 5" and it sub-nodes "ZF Sep03" and "ZN Sep03" can be moved to be first in the nodal display by selecting and moving the "Trader 5" data node with a cursor of a user input device to a location before "Trader 1." Alternatively, data nodes corresponding to individual tradeable objects can also be moved under a particular trader. See, e.g., the specification at page 18, lines 9-19. This change in the nodal display will accordingly be reflected in the display grid.

Independent Claim 18 is directed to a display interface and includes similar features as independent Claim 1.

V. Rejections under 35 U.S.C. §101

Claims 1-23 are rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter.

More specifically, with respect to Claims 1-17, the Office states that the claimed method steps could be performed by mental process alone. Additionally, the Office states that the claim should "recite the other statutory class to which it is tied, for example by identifying the apparatus that accomplished the method steps or positively reciting the subject matter that is being transformed." Applicants respectfully submit that the rejection of Claims 1-17 has been obviated by the above amendment. Applicants believe that the claims, even prior to the amendment, include patentable subject matter as described in *In re Bilski,* No. 2007-1130, Slip op. at 10 (Fed. Cir. Oct. 30, 2008). That is, the claims prior to the amendments were sufficiently tied to a particular machine and transformed matter. The above amendments were presented for added clarification of the claimed subject matter and to expedite examination.

With respect to Claims 18-23, the Office states that a "display (or user) interface not claimed as embodied in computer-readable media are descriptive material per se and are not statutory." While Applicants believe that the claims, even prior to the amendment, were directed to statutory subject matter, Applicants have amended Claims 18-23 to expedite examination.

VI. Rejection under 35 U.S.C. §103(a)

As noted above, the Office rejected Claims 1-12 and 15-23 as being unpatentable under 35 U.S.C. §103(a) over Galant in view of Mintz. Applicants respectfully submit that the rejection does not meet the required statutory standard as neither Galant nor Mintz, alone or in combination, teaches the entirety of the features recited in the pending claims. Reasons supporting the patentability are set forth below.

On page 5 of the Office Action, the Office admits that Galant "does not teach the data structure includes the ability to select and manipulate data nodes to different locations in the data structure." Applicants respectfully agree. Applicants respectfully request clarification with respect to the Office's assertion on page 4 of the Office Action. On page 4 of the Office Action, the Office asserts that Galant allegedly discloses "receiving a user input that selects a first data node from a first location in the data structure and moves the first data node to a second location in the data structure ...". Applicants respectfully submit that, based on the Office's aforementioned admission, the Office cannot assert that Galant discloses this feature, because this feature further elaborates the feature admitted by the Office as missing from Galant. Applicants respectfully submit that Galant has already been discussed in this case, and for conciseness, that discussion will not be repeated here. Applicants respectfully refer the Office to the Office Action Response filed on July 30, 2008 that was also referenced in the RCE submission filed on September 26, 2008.

As previously discussed in the referenced Response, Applicants respectfully submit that Galant does not disclose at least the following features of amended Claim 1:

> ... wherein the nodal display includes the ability to select and manipulate data nodes to different locations in the nodal display...;
>
> receiving a user input that selects a first data node from a first location in the nodal display and moves the first data node to a second location in the nodal display, wherein the nodal display comprises a new arrangement of data nodes; and
>
> responsive to said user input, updating the at least one display grid so that the trader-related risk information is displayed.

The Office then turns to Mintz as disclosing the data structure that includes the ability to select and manipulate data nodes to different locations in the data structure. For example, the Office cites to Column 2, Lines 10-14 and Column 4, Lines 20-49 to support this assertion. Applicants respectfully submit that Mintz does not disclose this feature either.

Mintz is directed to a method of wrapping legacy data structures that enables the data structure to be used by an object-oriented program. (See, e.g., Mintz, Abstract) As explained in

Mintz, many of the legacy programs (such as Basic or C) include data structures and code structures that need to be used with newer object-oriented languages (such as C++). (See, e.g., Mintz, Col. 1, Lines 25-31). According to Mintz, recreating these data structures so that they are compatible with an object-oriented language is time consuming and expensive. (See, e.g., Mintz, Col. 1, Lines 31-33). Thus, Mintz provides a method of wrapping data structures being used by a legacy program so that an object-oriented program can manipulate their fields as if they were properties. (See, e.g., Mintz, Col. 1, Lines 41-46). Each data structure in legacy programs has attributes and properties associated with it. (See, e.g., Mintz, Col. 2, Lines 48-59). In general, an attribute or property could be any value. (See, e.g., Mintz, Col. 2, Lines 63-65). Examples of the attributes include notes that a user can attach to each component (i.e., a data structure), a name, a definition, etc. (See, e.g., Mintz, Col. 2, Lines 58-62). Per Mintz, a single property page may be used to manipulate a fixed set of values, and to manipulate these values wherever they occurred. (See, e.g., Mintz, Col. 3, Lines 51-53). For example, the property page which manipulates the definition text or note text would be used for any objects which have this property. Applicants respectfully submit that manipulating properties per Mintz such that, for example, a newly created note is applied across multiple objects that were created using a legacy program does not disclose the nodal display including "the ability to select and manipulate data nodes to different locations in the nodal display," as claimed in amended Claim 1. Additionally, Mintz also fails to disclose:

> receiving a user input that selects a first data node from a first location in the nodal display and moves the first data node to a second location in the nodal display, wherein the nodal display comprises a new arrangement of data nodes; and
>
> responsive to said user input, updating the at least one display grid so that the trader-related risk information is displayed.

As such, Applicants respectfully submit that independent Claim 1 is allowable over the cited art of record. Independent Claim 18 recites similar features as Claim 1, and is patentable for at least the same reasons as Claim 1. Dependent Claims 2-12, 15-17, and 19-23 are patentable for their own reasons, and Applicants reserve the right to argue each dependent claim separately in the future, if the need so arises. However, each dependent claim is allowable for the same reasons that their independent base claims are allowable.

VII. Rejection under 35 U.S.C. §103(a)

As noted above, the Office rejects Claims 13-14 under 35 U.S.C. §103(a) as being unpatentable over Galant, in view of Mintz, and further in view of Levy.

In making the obviousness rejection, the Office uses Galant and Mintz as disclosing the features of the base claim and only cites to Levy as disclosing the features specifically claimed in Claims 13 and 14. However, as shown above, Galant and Mintz do not disclose the features that the Office relies on in making this obviousness rejection. Thus, for at least this reason, the obviousness rejection cannot stand. Similarly to other dependent claims, Applicants reserve the right to argue patentability of each dependent claim in the future, if the need arises, based on the specific features recited in each of Claims 13 and 14.

VIII. Conclusion

Accordingly, each of the pending claims is in condition for allowance. Applicants request favorable reconsideration. If Examiner believes that further dialog would expedite consideration of the application, Examiner is invited to contact Trading Technologies Patent Counsel Monika Dudek at 312-476-1118, or the undersigned attorney or agent.

Respectfully submitted,

Dated: March 5, 2009

By: /Thomas J. Loos/
Thomas J. Loos
Reg. No. 60,161